



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Hon. Allen C. Wilson  
County Attorney  
Kendall County  
Boerne, Texas

Dear Mr. Wilson:

Opinion No. 0-557

Re: Right of persons holding supplementary license at regular place of business to have same transferred so as to sell beer on Sunday at a picnic, rodeo, dance, etc.

Your request for an opinion on the following question:

"May persons holding a supplementary license at his regular place of business have the same transferred so as to sell beer on Sunday at a picnic, rodeo, dance etc?"

has been received by this office.

Article 667-3, § 1 of Vernon's Penal Code of Texas, reads as follows:

"There is hereby provided a 'Temporary License' authorizing the sale by retail dealers of beer for consumption on or off the premises where sold. The fee for such temporary license shall be Five (\$5.00) Dollars. Such licenses shall be issued by the assessor and the collector of Taxes upon application approved by the County

Judge, but no such permit shall be issued to any person who does not also hold a license as provided in subsection (d) of this section, and no such permit shall authorize the sale of beer at any point outside the county where same is issued. Any such temporary license shall expire at the end of the fourth day at the date the same is issued. Fees collected upon the issuance of such temporary licenses shall be retained by the county, and no other fees shall be charged for such licenses; and no refund shall be allowed upon the surrender of non-use of any such license. The County Judge shall issue such licenses only for the sale of beer at picnics, celebrations, or similar events, and may refuse to issue such licenses if in his judgment the issuance of the license would in any manner be detrimental to the public."

In regard to supplementary license, Article 667-10a of Vernon's Penal Code of Texas, reads, in part, as follows:

"It shall be unlawful for any person to sell beer or offer same for sale between the hours of 12:00 o'clock midnight and 7:00 a.m. of any day or from and after 12:00 o'clock midnight Saturday until 7:00 a.m. Monday of the following week; provided, however, that any holder of a Retail Dealer's License or a Wine and Beer Retailer's Permit shall, upon showing to the satisfaction of the County Judge that he is engaged also in the sale of food and other

commodities for human consumption, and that the sale of beverages for which a license is required does not during such prohibited hours normally in the course of any one week's time amount in dollars and cents to more than the sale value of food and other commodities for human consumption sold by such licensee during such hours, be entitled without being required to pay any fee therefor, to a supplementary license authorizing him to sell such beverages during any hour of any day. Said supplementary license shall be on a form furnished by the Board or Administrator and upon being issued shall be attached to and become a part of basic license of the holder, and such supplementary license shall expire with the license of which it is a part; \* \* \*

From a careful reading of this statute, in regard to supplementary license, it is our opinion that such license does not authorize the holder of same to sell beer on Sunday at picnics, rodeos, dances, etc.

It is our further opinion that if a dealer wishes to avail himself of the privilege of selling beer at picnics, rodeos, and other celebrations, and similar events, that he should pay the temporary license fee of five dollars.

Trusting that this is the information, which you seek, we are

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Fred C. Chandler*  
Fred C. Chandler  
Assistant

FCC:omb

APPROVED JUN 21, 1939

*Grubb. Mann*

ATTORNEY GENERAL OF TEXAS

